

EXHIBIT X

HERRMANN 60/444,474 Provisional Application			
'154 Limitation in Reply	MMJK Comment	UBT Support	
hosting at least one game tournament for subscription-based players for a game that has elements of both chance and skill during the membership time period,	Herrmann is completely inapposite since it is expressly limited to games of chance that were adapted from games of chance and skill.	<p>elements of both chance and skill:</p> <p><u>Description of the Related Art</u></p> <p>"The popular wagering card game of blackjack is discussed below as an illustrative example of how a player may improve the chances of winning with some knowledge." (Exhibit E, page 18, lines 10-12)</p> <p>"For the wagering games mentioned above and others, there are often numerous variations that can be played but in all cases, there is an ideal strategy to play for increasing the odds of winning as much as possible for the player(s)." (Exhibit D, page 2, lines 27-29)</p> <p><u>Summary of the Invention</u></p> <p>"In another embodiment of the invention, the at least one game of skill and chance is a game having elements of skill and chance." (Exhibit E, page 5, lines 9-10)</p> <p>"In another embodiment of the invention, the game having elements of skill and chance is poker." (Exhibit E, page 5, lines 11-12)</p>	
wherein each player is required to make playing choices throughout the game	Thus, Herrmann clearly discloses that it does not apply to game of chance and skill that require the player to make decisions throughout the game.	<p>required to make playing choices:</p> <p><u>Description of the Related Art</u></p> <p>"A player has numerous options for playing a hand." (Exhibit E, page 2, line 4)</p> <p><u>Summary of the Invention</u></p> <p>"In another embodiment of the invention, additional bets are made according to a set of betting rules after the initial bet level is determined by at least one of the</p>	

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		<p>plurality of players." (Exhibit E, page 5, lines 21-23)</p> <p><u>Detailed Description of the Invention</u></p> <p>"An important criterion for games that have skill involved is the requirement for a player decision to be made following the initial bet and/or card or game play." (Exhibit E, page 15, lines 25-26)</p> <p>"All of these requirements for a decision lead to a requirement of skill or knowledge to improve the player's chance of winning." (Exhibit E, page 16, lines 1-2)</p>
<p>establishing a subscription-based membership for each player of the plurality of players by charging each player a fee for a predetermined membership time period</p>	<p>Because there is no "predetermined membership time period" disclosed in Herrmann, there is no disclosure of "hosting at least one game tournament for subscription-based player ... during the membership time period." In other words, there are no "subscription based players" and there are no tournaments "during the membership time period."</p>	<p>subscription based membership:</p> <p><u>Summary of the Invention</u></p> <p>"In another embodiment of the invention, at least one of the plurality of players is allowed to create a subscription to play multiple games. In another embodiment of the invention, the at least one of the plurality of players is allowed to automatically renew the subscription." (Exhibit E, page 5, lines 28-30)</p> <p>charging each player a fee:</p> <p><u>Detailed Description of the Invention</u></p> <p>"Prior to a game, a game player may need to pay for playing. For example, a game player may pay using money or loyalty points." (Exhibit E, page 17, lines 4-5)</p> <p>"In one embodiment of the invention, players may subscribe to play multiple consecutive games. That is, the player pays at one time to play many consecutive games. The player may also choose to have his or her subscription</p>

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		<p>automatically renewed. The player may also be able to manage his or her subscription including setting spending limits, time-out periods or password protection." (Exhibit E, page 17, lines 16-20)</p> <p>"The wagering game of chance player entering by AMOE may also be limited to a small number of games within a given period of time, for example one game in one year or two games in one month." (Exhibit E, page 18, lines 10-12)</p>	
<p>wherein the non-subscription player is limited to one entry per tournament</p>	<p>The claims of the '154 patent further require that the "non-subscription player is limited to one entry per tournament." Herrmann does not disclose this.</p> <p>A single entry into a game, and entry into a single game, are two very different concepts.</p>	<p>one entry per tournament:</p> <p>"The wagering game of chance player entering by AMOE may also be limited to a small number of games within a given period of time, for example one game in one year or two games in one month." (Exhibit E, page 18, lines 10-12)</p>	
<p>disbursing the prize pool to the winning player and any eligible runner-up players in the form of prizes that have immediate value, subsequent to completion of the tournament</p>	<p>Herrmann is completely silent with respect to disbursing the prize pool to any eligible runner-up players. Herrmann only mentions paying out to the "winners".</p>	<p>winning player and any eligible runner-up players:</p> <p><u>Summary of the Invention</u></p> <p>"The game of chance comprises a plurality of players, and a predetermined set of rules by which the plurality of players play the game of chance, wherein winners are automatically determined from the plurality of players." (Exhibit E, page 4, lines 26-28)</p> <p>"In another embodiment of the invention, the computer system automatically notifies at least one of the plurality of players of their winnings." (Exhibit E,</p>	

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		page 6, lines 20-22) <u>Claims</u> "50. A method for conducting a game of chance adapted from at least one game of skill and chance, the method comprising acts of: providing entry of a plurality of players in the game of chance; providing a predetermined set of rules by which the plurality of players play the game of chance; and automatically determining at least one winner from the plurality of players." (Exhibit E, page 38, lines 7-12)

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EXHIBIT Y

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hosting at least one game tournament for subscription-based players for a game that has elements of both chance and skill during the membership time period,	Herrmann is completely inapposite since it is expressly limited to games of chance that were adapted from games of chance and skill.	<p>elements of both chance and skill:</p> <p><u>Description of the Related Art</u></p> <p>"[0004] The popular wagering card game of blackjack is discussed below as an illustrative example of how a player may improve the chances of winning with some knowledge. ..." (Exhibit D)</p> <p>"[0010] For the wagering games mentioned above and others, there are often numerous variation that can be played but in all cases, there is an ideal strategy to play for increasing the odds of winning as much as possible for the player(s). ..." (Exhibit D)</p> <p><u>Summary of the Invention</u></p> <p>"[0017] Another aspect of the present invention relates to games of chance developed from games of skill and chance. ... Such games may include, for example games of chance developed from games of skill and chances whose rules and game play are familiar to most players (e.g., blackjack, poker, etc.). ..." (Exhibit D)</p> <p>"[0019] ... In another embodiment of the invention, the at least one game of skill and chance is a game having elements of skill and chance. ... In another embodiment of the invention, the game having elements of skill and chance is poker. ..." (Exhibit D)</p> <p><u>Detailed Description of the Invention</u></p> <p>"[0066] ... It should be appreciated that the invention is not limited to any particular game, but rather, any game of skill and chance may be used to develop a game of chance that uses a set of predetermined rules for playing the game." (Exhibit D)</p>

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wherein each player is required to make playing choices throughout the game	Thus, Herrmann clearly discloses that it does not apply to game of chance and skill that require the player to make decisions throughout the game.	<p>required to make playing choices:</p> <p><u>Description of the Related Art</u></p> <p>"[0006] A player has numerous options for playing a hand. ..." (Exhibit D)</p> <p><u>Summary of the Invention</u></p> <p>"[0020] ... In another embodiment of the invention, additional bets are made according to a set of betting rules after the initial bet level is determined by at least one of the plurality of players. ..." (Exhibit D)</p> <p><u>Detailed Description of the Invention</u></p> <p>"[0048] An important criterion for games that involve skill is the requirement for a player decision to be made following the initial bet and/or card or game play. ... All of these requirements for a decision lead to a requirement of skill or knowledge to improve the player's chance of winning." (Exhibit D)</p>
establishing a subscription-based membership for each player of the plurality of players by charging each player a fee for a predetermined membership time period	Because there is no "predetermined membership time period" disclosed in Herrmann, there is no disclosure of "hosting at least one game tournament for subscription-based player ... during the membership time period." In other words, there are no "subscription based players" and there are no tournaments "during the membership time period."	<p>subscription based membership:</p> <p><u>Summary of the Invention</u></p> <p>"[0021] ... In another embodiment of the invention, at least one of the plurality of players is allowed to create a subscription to play multiple games. In another embodiment of the invention, the at least one of the plurality of players is allowed to automatically renew the subscription. ..." (Exhibit D)</p> <p>charging each player a fee:</p> <p><u>Detailed Description of the Invention</u></p> <p>"[0052] Prior to a game, a game player may need to pay for playing. For</p>

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		<p>example, a game player may pay using money or loyalty points. ... Also, rather than a player paying a set amount per game, a player may instead open an account and place money or loyalty points in the account as credit." (Exhibit D)</p> <p>"[0053] In one embodiment of the invention, players may subscribe to play in multiple game sessions. That is, the player pays at one time to play more than one game. These games may be consecutive games, periodically disbursed over a period of time, or other distribution. ... The player may also be able to manage his or her subscription including setting spending limits, time-out periods or password protection." (Exhibit D)</p> <p>"[0057] ... The wagering game of chance player entering by AMOE may also be limited to enter in a small number of games within a given period of time. ..." (Exhibit D)</p>
wherein the non-subscription player is limited to one entry per tournament	<p>The claims of the '154 patent further require that the "non-subscription player is limited to one entry per tournament." Herrmann does not disclose this.</p> <p>A single entry into a game, and entry into a single game, are two very different concepts.</p>	<p>one entry per tournament:</p> <p>[0057] ... For example, the AMOE entry may be limited to entry in one game in a period of one year, two games in one month, etc. ..." (Exhibit D)</p>
disbursing the prize pool to the winning player and any eligible runner-up players in the form of prizes that have immediate value, subsequent to completion of the	<p>Herrmann is completely silent with respect to disbursing the prize pool to any eligible runner-up players. Herrmann only mentions paying out to the "winners".</p>	<p>winning player and any eligible runner-up players:</p> <p><u>Summary of the Invention</u></p> <p>"[0018] ... The game of chance comprises a plurality of players, and a predetermined set of rules by which the plurality of players play the game of</p>

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		<p>chance, wherein winners are automatically determined from the plurality of players. ..." (Exhibit D)</p> <p>"[0023] ... In another embodiment of the invention, the computer system automatically notifies at least one of the plurality of players of their winnings. ..." (Exhibit D)</p> <p><u>Claims</u></p> <p>"50. A method for conducting a game of chance adapted from at least one game of skill and chance, the method comprising acts of: providing entry of a plurality of players in the game of chance; providing a predetermined set of rules by which the plurality of players play the game of chance; and automatically determining at least one winner from the plurality of players." (Exhibit D)</p> <p>"53. The method according to claim 50, further comprising an act of automatically determining a payout to the at least one winner according to a predetermined payout table." (Exhibit D)</p>

EXHIBIT Z

<p>Claims of Patent No. 7,094,154</p>	<p>Patent Publication 2004/0248634 as supported in Provisional Appl. 60/444,474 (Exhibits D and E)</p>
<p>1. A computer-implemented method of allowing a plurality of players to play a game over a computer network, the method comprising the steps of:</p>	<p><u>Summary of the Invention</u></p> <p>“[0016] ... For instance, a player may be permitted to subscribe to one or more games of chance in a casino, and these subscribed games are then played outside of the casino (e.g., on a computer over the Internet). ...” (Exhibit D)</p> <p>“For example, the game player may operate a computer that has an Internet-enabled interface (e.g., using Macromedia Flash or Java) and the computer may display streamed game information within that interface.” (Exhibit E, page 20, lines 18-20)</p> <p>“[0054] According to one embodiment of the invention, a player may subscribe to a number of games to be played in the future in a place where wagering games are legal (e.g., in a casino or jurisdiction where wagering is permitted), and may observe and/or play these subscribed games in another location (e.g., on a computer coupled to the Internet, on a cellular phone, PDA, or other system). ...” (Exhibit D)</p> <p>“For example, various aspects of the invention may be performed on a client-server system that includes components distributed among one or more server systems that perform various functions according to various embodiments of the invention. These components may be executable, intermediate (e.g., IL) or interpreted (e.g., Java) code which communicate over a communication network (e.g., the Internet) using a communication protocol (e.g., TCP/IP).” (Exhibit E, page 31, lines 8-13)</p> <p>“[0080] ... As used herein, a ‘network’ or a ‘communications network’ is a group of two or more devices interconnected by one or</p>

Claims of Patent No. 7,094,154	Patent Publication 2004/0248634 as supported in Provisional Appl. 60/444,474 (Exhibits D and E)
	<p>more segments of transmission media on which communications may be exchanged between the devices. ..." (Exhibit D)</p> <p>"As used herein, a 'network' or a 'communications network' is a group of two or more devices interconnected by one or more segments of transmission media on which communications may be exchanged between the devices." (Exhibit E, page 23, lines 7-10)</p> <p>Figures 5 and 7 (Exhibit D and Exhibit E)</p>
establishing a subscription-based membership for each player of the plurality of players	<p><u>Summary of the Invention</u></p> <p>"[0021] ... In another embodiment of the invention, at least one of the plurality of players is allowed to create a subscription to play multiple games. In another embodiment of the invention, the at least one of the plurality of players is allowed to automatically renew the subscription. ..." (Exhibit D)</p> <p>"In another embodiment of the invention, at least one of the plurality of players is allowed to create a subscription to play multiple games. In another embodiment of the invention, the at least one of the plurality of players is allowed to automatically renew the subscription." (Exhibit E, page 5, lines 28-30)</p>
by charging each player a fee for a pre-determined membership time period;	<p><u>Detailed Description of the Invention</u></p> <p>"[0052] Prior to a game, a game player may need to pay for playing. For example, a game player may pay using money or loyalty points. ... Also, rather than a player paying a set amount per game, a player may instead open an account and place money or loyalty points in the account as credit." (Exhibit D)</p> <p>"Prior to a game, a game player may need to</p>

<p>Claims of Patent No. 7,094,154</p>	<p>Patent Publication 2004/0248634 as supported in Provisional Appl. 60/444,474 (Exhibits D and E)</p>
	<p>pay for playing. For example, a game player may pay using money or loyalty points.” (Exhibit E, page 17, lines 4-5)</p> <p>“[0053] In one embodiment of the invention, players may subscribe to play in multiple game sessions. That is, the player pays at one time to play more than one game. These games may be consecutive games, periodically disbursed over a period of time, or other distribution. ... The player may also be able to manage his or her subscription including setting spending limits, time-out periods or password protection.” (Exhibit D)</p> <p>“In one embodiment of the invention, players may subscribe to play multiple consecutive games. That is, the player pays at one time to play many consecutive games. The player may also choose to have his or her subscription automatically renewed. The player may also be able to manage his or her subscription including setting spending limits, time-out periods or password protection.” (Exhibit E, page 17, lines 16-20)</p> <p>“[0057] ... The wagering game of chance player entering by AMOE may also be limited to enter in a small number of games within a given period of time. ...” (Exhibit D)</p> <p>“The wagering game of chance player entering by AMOE may also be limited to a small number of games within a given period of time, for example one game in one year or two games in one month.” (Exhibit E, page 18, lines 10-12)</p>
<p>hosting at least one game tournament for subscription-based players for a game that has elements of both chance and skill during the membership time period,</p>	<p><u>Summary of the Invention</u></p> <p>“[0021] ... In another embodiment of the invention, at least one of the plurality of players is allowed to create a subscription to</p>

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	<p>play multiple games. In another embodiment of the invention, the at least one of the plurality of players is allowed to automatically renew the subscription. ..." (Exhibit D)</p> <p>"In another embodiment of the invention, at least one of the plurality of players is allowed to create a subscription to play multiple games. In another embodiment of the invention, the at least one of the plurality of players is allowed to automatically renew the subscription." (Exhibit E, page 5, lines 28-30)</p> <p><u>Detailed Description of the Invention</u></p> <p>"[0052] Prior to a game, a game player may need to pay for playing. For example, a game player may pay using money or loyalty points. ... Also, rather than a player paying a set amount per game, a player may instead open an account and place money or loyalty points in the account as credit." (Exhibit D)</p> <p>"Prior to a game, a game player may need to pay for playing. For example, a game player may pay using money or loyalty points." (Exhibit E, page 17, lines 4-5)</p> <p>"[0053] In one embodiment of the invention, players may subscribe to play in multiple game sessions. That is, the player pays at one time to play more than one game. These games may be consecutive games, periodically disbursed over a period of time, or other distribution. ... The player may also be able to manage his or her subscription including setting spending limits, time-out periods or password protection." (Exhibit D)</p> <p>"In one embodiment of the invention, players may subscribe to play multiple consecutive games. That is, the player pays at one time to play many consecutive games. The player</p>

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	<p>may also choose to have his or her subscription automatically renewed. The player may also be able to manage his or her subscription including setting spending limits, time-out periods or password protection.” (Exhibit E, page 17, lines 16-20)</p> <p>“[0057] ... The wagering game of chance player entering by AMOE may also be limited to enter in a small number of games within a given period of time. ...” (Exhibit D)</p> <p>“The wagering game of chance player entering by AMOE may also be limited to a small number of games within a given period of time, for example one game in one year or two games in one month.” (Exhibit E, page 18, lines 10-12)</p> <p><u>Description of the Related Art</u></p> <p>“[0004] The popular wagering card game of blackjack is discussed below as an illustrative example of how a player may improve the chances of winning with some knowledge. ...” (Exhibit D)</p> <p>“The popular wagering card game of blackjack is discussed below as an illustrative example of how a player may improve the chances of winning with some knowledge.” (Exhibit E, page 18, lines 10-12)</p> <p>“[0010] For the wagering games mentioned above and others, there are often numerous variation that can be played but in all cases, there is an ideal strategy to play for increasing the odds of winning as much as possible for the player(s). ...” (Exhibit D)</p> <p>“For the wagering games mentioned above and others, there are often numerous variations that can be played but in all cases, there is an</p>

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	<p>ideal strategy to play for increasing the odds of winning as much as possible for the player(s).” (Exhibit D, page 2, lines 27-29)</p> <p><u>Summary of the Invention</u></p> <p>“[0017] Another aspect of the present invention relates to games of chance developed from games of skill and chance. ... Such games may include, for example games of chance developed from games of skill and chances whose rules and game play are familiar to most players (e.g., blackjack, poker, etc.). ...” (Exhibit D)</p> <p>“[0019] ... In another embodiment of the invention, the at least one game of skill and chance is a game having elements of skill and chance. ... In another embodiment of the invention, the game having elements of skill and chance is poker. ...” (Exhibit D)</p> <p>“In another embodiment of the invention, the at least one game of skill and chance is a game having elements of skill and chance.” (Exhibit E, page 5, lines 9-10)</p> <p>“In another embodiment of the invention, the game having elements of skill and chance is poker.” (Exhibit E, page 5, lines 11-12)</p> <p><u>Detailed Description of the Invention</u></p> <p>“[0066] ... It should be appreciated that the invention is not limited to any particular game, but rather, any game of skill and chance may be used to develop a game of chance that uses a set of predetermined rules for playing the game.” (Exhibit D)</p>
the tournament consisting of at least one game round,	“[0022] ... In another embodiment of the invention, the game includes a plurality of game sessions, and wherein the plurality of

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	<p>game sessions run continually. ...” (Exhibit D)</p> <p>“In another embodiment of the invention, the game includes a plurality of game sessions, and wherein the plurality of game sessions run continually.” (Exhibit E, page 6, lines 14-16)</p>
<p>each game round potentially eliminating one or more participant players until a winning player and one or more runner-up players are determined,</p>	<p>“[0018] ... The game of chance comprises a plurality of players, and a predetermined set of rules by which the plurality of players play the game of chance, wherein winners are automatically determined from the plurality of players. ...” (Exhibit D)</p> <p>“The game of chance comprises a plurality of players, and a predetermined set of rules by which the plurality of players play the game of chance, wherein winners are automatically determined from the plurality of players.” (Exhibit E, page 4, lines 26-28)</p> <p>“[0036] ... According to another embodiment of the invention, the game having elements of skill and chance is poker. ...” (Exhibit D)</p> <p>“In another embodiment of the invention, the game having elements of skill and chance is poker.” (Exhibit E, page 14, lines 7-8)</p>
<p>wherein each player is required to make playing choices throughout the game;</p>	<p><u>Description of the Related Art</u></p> <p>“[0006] A player has numerous options for playing a hand. ...” (Exhibit D)</p> <p>“A player has numerous options for playing a hand.” (Exhibit E, page 2, line 4)</p> <p><u>Summary of the Invention</u></p> <p>“[0020] ... In another embodiment of the invention, additional bets are made according to a set of betting rules after the initial bet</p>

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	<p>level is determined by at least one of the plurality of players. ..." (Exhibit D)</p> <p>"In another embodiment of the invention, additional bets are made according to a set of betting rules after the initial bet level is determined by at least one of the plurality of players." (Exhibit E, page 5, lines 21-23)</p> <p><u>Detailed Description of the Invention</u></p> <p>"[0048] An important criterion for games that involve skill is the requirement for a player decision to be made following the initial bet and/or card or game play. ... All of these requirements for a decision lead to a requirement of skill or knowledge to improve the player's chance of winning." (Exhibit D)</p> <p>"An important criterion for games that have skill involved is the requirement for a player decision to be made following the initial bet and/or card or game play." (Exhibit E, page 15, lines 25-26)</p> <p>"All of these requirements for a decision lead to a requirement of skill or knowledge to improve the player's chance of winning." (Exhibit E, page 16, lines 1-2)</p>
<p>establishing a prize pool for the tournament;</p>	<p>"[0062] A payout table for each game may also be supplemented by a jackpot that transfers from game session to game session. These types of jackpots are commonly referred to as rolling or progressive jackpots. A rolling jackpot may be, for example, the same amount that transfers from game to game until it is paid out. A progressive jackpot is a rolling jackpot that increases as more game sessions are played or may be increased according to some other criterion. ..." (Exhibit D)</p> <p>"The payout table for each game may also be</p>

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	<p>supplemented by a jackpot that transfers from game to game. These types of jackpots are commonly called rolling or progressive jackpots. A rolling jackpot may be the same amount that transfers from game to game until it is paid out. A progressive jackpot is a rolling jackpot that increases as more games are played or according to some other criterion.” (Exhibit E, page 19, lines 10-14)</p>
<p>providing a means for allowing a non-subscription player to participate in the tournament without payment of the fee</p>	<p>“[0029] ... In another embodiment of the invention, at least one of the plurality of players is allowed to enter a game through an alternative method of entry (AMOE).” (Exhibit D)</p> <p>“In another embodiment of the invention, at least one of the plurality of players is allowed to enter a game through an alternative method of entry (AMOE).” (Exhibit E, page 10, lines 13-14)</p> <p>“[0056] ... Another AMOE method includes having an individual sign on to a free Internet website and submit the required information without payment of a fee. ...” (Exhibit D)</p> <p>“Another AMOE method is to have an individual sign on to a free internet website and submit the required information for free.” (Exhibit E, page 17, lines 29-30)</p> <p>“[0057] According to one embodiment of the invention, it is realized that an AMOE (alternative method of entry) may be used to enter a game of chance. ...” (Exhibit D)</p> <p>“According to one embodiment of the invention, it is realized that an AMOE (alternative method of entry) may be used to enter a game of chance.” (Exhibit E, page 18, lines 3-4)</p>

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by submitting information relating to the non-subscription player prior to the hosting of the tournament,	<p>“[0058] According to one embodiment, the game which the game player enters by AMOE may be determined by the game player on an AMOE entry form. For example, a postcard AMOE may be required to state the date and the time of the game that the game player wants to enter. Alternatively, the game entered by the player may be the next starting game after the AMOE entry form is received and logged. As another alternative, AMOE entries may be assigned to a specific game(s) each hour, day, week or other time interval.” (Exhibit D)</p> <p>“According to one embodiment, the game that the game player entering by AMOE is entered into may be determined by the game player on the AMOE entry form. For example, the post card AMOE may be required to state the date and the time of the game that the game player wants to enter. Alternatively, the game entered may be the next starting game after the AMOE is received and logged. As another alternative, AMOE entries may be assigned to a specific game(s) each hour, day, week or other time interval.” (Exhibit E, page 18, lines 14-19)</p>
wherein the non-subscription player is limited to one entry per tournament; and	<p>[0057] ... For example, the AMOE entry may be limited to entry in one game in a period of one year, two games in one month, etc. ...” (Exhibit D)</p> <p>“The wagering game of chance player entering by AMOE may also be limited to a small number of games within a given period of time, for example one game in one year or two games in one month.” (Exhibit E, page 18, lines 10-12)</p>
disbursing the prize pool to the winning player and any eligible runner-up players in the form	<p><u>Summary of the Invention</u></p> <p>“[0018] ... The game of chance comprises a</p>

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of prizes that have immediate value, subsequent to completion of the tournament.	<p>plurality of players, and a predetermined set of rules by which the plurality of players play the game of chance, wherein winners are automatically determined from the plurality of players. ..." (Exhibit D)</p> <p>"The game of chance comprises a plurality of players, and a predetermined set of rules by which the plurality of players play the game of chance, wherein winners are automatically determined from the plurality of players." (Exhibit E, page 4, lines 26-28)</p> <p>"[0023] ... In another embodiment of the invention, the computer system automatically notifies at least one of the plurality of players of their winnings. ..." (Exhibit D)</p> <p>"In another embodiment of the invention, the computer system automatically notifies at least one of the plurality of players of their winnings." (Exhibit E, page 6, lines 20-22)</p> <p><u>Claims</u></p> <p>"50. A method for conducting a game of chance adapted from at least one game of skill and chance, the method comprising acts of: providing entry of a plurality of players in the game of chance; providing a predetermined set of rules by which the plurality of players play the game of chance; and automatically determining at least one winner from the plurality of players." (Exhibit D) (Exhibit E, page 38, lines 7-12)</p> <p>"53. The method according to claim 50, further comprising an act of automatically determining a payout to the at least one winner according to a predetermined payout table." (Exhibit D)</p>
2. The method of claim 1 wherein the game	Figures 5, 6 and 7 (Exhibit D and Exhibit E)

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tournament is managed by a game administrator operating a game server computer coupled to one or more client computers operated by the participating players.	
3. The method of claim 2 wherein the computer network comprises the Internet.	Figures 5, 6 and 7 (Exhibit D and Exhibit E)
4. The method of claim 1 wherein the game comprises a card game.	<p>“[0019] ... In another embodiment of the invention, the game having elements of skill and chance is poker.” (Exhibit D)</p> <p>“In another embodiment of the invention, the game having elements of skill and chance is poker.” (Exhibit E, page 5, lines 11-12)</p>
5. A computer-implemented method of allowing a plurality of players to play a game over a computer network, the method comprising the steps of:	<p><u>Summary of the Invention</u></p> <p>“[0016] ... For instance, a player may be permitted to subscribe to one or more games of chance in a casino, and these subscribed games are then played outside of the casino (e.g., on a computer over the Internet). ...” (Exhibit D)</p> <p>“For example, the game player may operate a computer that has an Internet-enabled interface (e.g., using Macromedia Flash or Java) and the computer may display streamed game information within that interface.” (Exhibit E, page 20, lines 18-20)</p> <p>“[0054] According to one embodiment of the invention, a player may subscribe to a number of games to be played in the future in a place where wagering games are legal (e.g., in a casino or jurisdiction where wagering is permitted), and may observe and/or play these subscribed games in another location (e.g., on a computer coupled to the Internet, on a cellular phone, PDA, or other system). ...” (Exhibit D)</p>

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	<p>“For example, various aspects of the invention may be performed on a client-server system that includes components distributed among one or more server systems that perform various functions according to various embodiments of the invention. These components may be executable, intermediate (e.g., IL) or interpreted (e.g., Java) code which communicate over a communication network (e.g., the Internet) using a communication protocol (e.g., TCP/IP).” (Exhibit E, page 31, lines 8-13)</p> <p>“[0080] ... As used herein, a ‘network’ or a ‘communications network’ is a group of two or more devices interconnected by one or more segments of transmission media on which communications may be exchanged between the devices. ...” (Exhibit D)</p> <p>“As used herein, a ‘network’ or a ‘communications network’ is a group of two or more devices interconnected by one or more segments of transmission media on which communications may be exchanged between the devices.” (Exhibit E, page 23, lines 7-10)</p> <p>Figures 5 and 7 (Exhibit D and Exhibit E)</p>
establishing a subscription-based membership for each player of the plurality of players	<p><u>Summary of the Invention</u></p> <p>“[0021] ... In another embodiment of the invention, at least one of the plurality of players is allowed to create a subscription to play multiple games. In another embodiment of the invention, the at least one of the plurality of players is allowed to automatically renew the subscription. ...” (Exhibit D)</p> <p>“In another embodiment of the invention, at least one of the plurality of players is allowed to create a subscription to play multiple</p>

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	games. In another embodiment of the invention, the at least one of the plurality of players is allowed to automatically renew the subscription.” (Exhibit E, page 5, lines 28-30)
by charging each player a fee for a pre-determined membership time period;	<p><u>Detailed Description of the Invention</u></p> <p>“[0052] Prior to a game, a game player may need to pay for playing. For example, a game player may pay using money or loyalty points. ... Also, rather than a player paying a set amount per game, a player may instead open an account and place money or loyalty points in the account as credit.” (Exhibit D)</p> <p>“Prior to a game, a game player may need to pay for playing. For example, a game player may pay using money or loyalty points.” (Exhibit E, page 17, lines 4-5)</p> <p>“[0053] In one embodiment of the invention, players may subscribe to play in multiple game sessions. That is, the player pays at one time to play more than one game. These games may be consecutive games, periodically disbursed over a period of time, or other distribution. ... The player may also be able to manage his or her subscription including setting spending limits, time-out periods or password protection.” (Exhibit D)</p> <p>“In one embodiment of the invention, players may subscribe to play multiple consecutive games. That is, the player pays at one time to play many consecutive games. The player may also choose to have his or her subscription automatically renewed. The player may also be able to manage his or her subscription including setting spending limits, time-out periods or password protection.” (Exhibit E, page 17, lines 16-20)</p> <p>“[0057] ... The wagering game of chance</p>

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	<p>player entering by AMOE may also be limited to enter in a small number of games within a given period of time. ..." (Exhibit D)</p> <p>"The wagering game of chance player entering by AMOE may also be limited to a small number of games within a given period of time, for example one game in one year or two games in one month." (Exhibit E, page 18, lines 10-12)</p>
<p>hosting at least one game tournament for subscription-based players for a game that has elements of both chance and skill during the membership time period,</p>	<p><u>Summary of the Invention</u></p> <p>"[0021] ... In another embodiment of the invention, at least one of the plurality of players is allowed to create a subscription to play multiple games. In another embodiment of the invention, the at least one of the plurality of players is allowed to automatically renew the subscription. ..." (Exhibit D)</p> <p>"In another embodiment of the invention, at least one of the plurality of players is allowed to create a subscription to play multiple games. In another embodiment of the invention, the at least one of the plurality of players is allowed to automatically renew the subscription." (Exhibit E, page 5, lines 28-30)</p> <p><u>Detailed Description of the Invention</u></p> <p>"[0052] Prior to a game, a game player may need to pay for playing. For example, a game player may pay using money or loyalty points. ... Also, rather than a player paying a set amount per game, a player may instead open an account and place money or loyalty points in the account as credit." (Exhibit D)</p> <p>"Prior to a game, a game player may need to pay for playing. For example, a game player may pay using money or loyalty points." (Exhibit E, page 17, lines 4-5)</p>

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	<p>“[0053] In one embodiment of the invention, players may subscribe to play in multiple game sessions. That is, the player pays at one time to play more than one game. These games may be consecutive games, periodically disbursed over a period of time, or other distribution. ... The player may also be able to manage his or her subscription including setting spending limits, time-out periods or password protection.” (Exhibit D)</p> <p>“In one embodiment of the invention, players may subscribe to play multiple consecutive games. That is, the player pays at one time to play many consecutive games. The player may also choose to have his or her subscription automatically renewed. The player may also be able to manage his or her subscription including setting spending limits, time-out periods or password protection.” (Exhibit E, page 17, lines 16-20)</p> <p>“[0057] ... The wagering game of chance player entering by AMOE may also be limited to enter in a small number of games within a given period of time. ...” (Exhibit D)</p> <p>“The wagering game of chance player entering by AMOE may also be limited to a small number of games within a given period of time, for example one game in one year or two games in one month.” (Exhibit E, page 18, lines 10-12)</p> <p><u>Description of the Related Art</u></p> <p>“[0004] The popular wagering card game of blackjack is discussed below as an illustrative example of how a player may improve the chances of winning with some knowledge. ...” (Exhibit D)</p> <p>“The popular wagering card game of blackjack</p>

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	<p>is discussed below as an illustrative example of how a player may improve the chances of winning with some knowledge.” (Exhibit E, page 18, lines 10-12)</p> <p>“[0010] For the wagering games mentioned above and others, there are often numerous variation that can be played but in all cases, there is an ideal strategy to play for increasing the odds of winning as much as possible for the player(s). ...” (Exhibit D)</p> <p>“For the wagering games mentioned above and others, there are often numerous variations that can be played but in all cases, there is an ideal strategy to play for increasing the odds of winning as much as possible for the player(s).” (Exhibit D, page 2, lines 27-29)</p> <p><u>Summary of the Invention</u></p> <p>“[0017] Another aspect of the present invention relates to games of chance developed from games of skill and chance. ... Such games may include, for example games of chance developed from games of skill and chances whose rules and game play are familiar to most players (e.g., blackjack, poker, etc.). ...” (Exhibit D)</p> <p>“[0019] ... In another embodiment of the invention, the at least one game of skill and chance is a game having elements of skill and chance. ... In another embodiment of the invention, the game having elements of skill and chance is poker. ...” (Exhibit D)</p> <p>“In another embodiment of the invention, the at least one game of skill and chance is a game having elements of skill and chance.” (Exhibit E, page 5, lines 9-10)</p> <p>“In another embodiment of the invention, the</p>

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	<p>game having elements of skill and chance is poker.” (Exhibit E, page 5, lines 11-12)</p> <p><u>Detailed Description of the Invention</u></p> <p>“[0066] ... It should be appreciated that the invention is not limited to any particular game, but rather, any game of skill and chance may be used to develop a game of chance that uses a set of predetermined rules for playing the game.” (Exhibit D)</p>
the tournament consisting of at least one game round,	<p>“[0022] ... In another embodiment of the invention, the game includes a plurality of game sessions, and wherein the plurality of game sessions run continually. ...” (Exhibit D)</p> <p>“In another embodiment of the invention, the game includes a plurality of game sessions, and wherein the plurality of game sessions run continually.” (Exhibit E, page 6, lines 14-16)</p>
each game round potentially eliminating one or more participant players until a winning player and one or more runner-up players are determined,	<p>“[0018] ... The game of chance comprises a plurality of players, and a predetermined set of rules by which the plurality of players play the game of chance, wherein winners are automatically determined from the plurality of players. ...” (Exhibit D)</p> <p>“The game of chance comprises a plurality of players, and a predetermined set of rules by which the plurality of players play the game of chance, wherein winners are automatically determined from the plurality of players.” (Exhibit E, page 4, lines 26-28)</p> <p>“[0036] ... According to another embodiment of the invention, the game having elements of skill and chance is poker. ...” (Exhibit D)</p> <p>“In another embodiment of the invention, the</p>

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	game having elements of skill and chance is poker.” (Exhibit E, page 14, lines 7-8)
wherein each player is required to make playing choices throughout the game;	<p><u>Description of the Related Art</u></p> <p>“[0006] A player has numerous options for playing a hand. ...” (Exhibit D)</p> <p>“A player has numerous options for playing a hand.” (Exhibit E, page 2, line 4)</p> <p><u>Summary of the Invention</u></p> <p>“[0020] ... In another embodiment of the invention, additional bets are made according to a set of betting rules after the initial bet level is determined by at least one of the plurality of players. ...” (Exhibit D)</p> <p>“In another embodiment of the invention, additional bets are made according to a set of betting rules after the initial bet level is determined by at least one of the plurality of players.” (Exhibit E, page 5, lines 21-23)</p> <p><u>Detailed Description of the Invention</u></p> <p>“[0048] An important criterion for games that involve skill is the requirement for a player decision to be made following the initial bet and/or card or game play. ... All of these requirements for a decision lead to a requirement of skill or knowledge to improve the player's chance of winning.” (Exhibit D)</p> <p>“An important criterion for games that have skill involved is the requirement for a player decision to be made following the initial bet and/or card or game play.” (Exhibit E, page 15, lines 25-26)</p> <p>“All of these requirements for a decision lead to a requirement of skill or knowledge to improve the player's chance of winning.”</p>

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	(Exhibit E, page 16, lines 1-2)
establishing a prize pool for the tournament;	<p>“[0062] A payout table for each game may also be supplemented by a jackpot that transfers from game session to game session. These types of jackpots are commonly referred to as rolling or progressive jackpots. A rolling jackpot may be, for example, the same amount that transfers from game to game until it is paid out. A progressive jackpot is a rolling jackpot that increases as more game sessions are played or may be increased according to some other criterion. ...” (Exhibit D)</p> <p>“The payout table for each game may also be supplemented by a jackpot that transfers from game to game. These types of jackpots are commonly called rolling or progressive jackpots. A rolling jackpot may be the same amount that transfers from game to game until it is paid out. A progressive jackpot is a rolling jackpot that increases as more games are played or according to some other criterion.” (Exhibit E, page 19, lines 10-14)</p>
distributing a fixed number of tokens to each player participating in the tournament for betting in the tournament,	<p>“[0026] ... In another embodiment of the invention, the method further comprises an act of permitting at least one of the plurality of players to pay to play the game with at least one of money or loyalty points. ...” (Exhibit D)</p>
the fixed number not dependent upon any consideration provided by the player;	<p>“[0026] ... In another embodiment of the invention, the method further comprises an act of permitting at least one of the plurality of players to pay to play the game with at least one of money or loyalty points. ...” (Exhibit D)</p>
providing a means for allowing a non-subscription player to participate in the tournament without payment of the fee	<p>“[0029] ... In another embodiment of the invention, at least one of the plurality of players is allowed to enter a game through an alternative method of entry (AMOE).”</p>

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	<p>(Exhibit D)</p> <p>“In another embodiment of the invention, at least one of the plurality of players is allowed to enter a game through an alternative method of entry (AMOE).” (Exhibit E, page 10, lines 13-14)</p> <p>“[0056] ... Another AMOE method includes having an individual sign on to a free Internet website and submit the required information without payment of a fee. ...” (Exhibit D)</p> <p>“Another AMOE method is to have an individual sign on to a free internet website and submit the required information for free.” (Exhibit E, page 17, lines 29-30)</p> <p>“[0057] According to one embodiment of the invention, it is realized that an AMOE (alternative method of entry) may be used to enter a game of chance. ...” (Exhibit D)</p> <p>“According to one embodiment of the invention, it is realized that an AMOE (alternative method of entry) may be used to enter a game of chance.” (Exhibit E, page 18, lines 3-4)</p>
by submitting information relating to the non-subscription player prior to the hosting of the tournament,	<p>“[0058] According to one embodiment, the game which the game player enters by AMOE may be determined by the game player on an AMOE entry form. For example, a postcard AMOE may be required to state the date and the time of the game that the game player wants to enter. Alternatively, the game entered by the player may be the next starting game after the AMOE entry form is received and logged. As another alternative, AMOE entries may be assigned to a specific game(s) each hour, day, week or other time interval.” (Exhibit D)</p>

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	<p>“According to one embodiment, the game that the game player entering by AMOE is entered into may be determined by the game player on the AMOE entry form. For example, the post card AMOE may be required to state the date and the time of the game that the game player wants to enter. Alternatively, the game entered may be the next starting game after the AMOE is received and logged. As another alternative, AMOE entries may be assigned to a specific game(s) each hour, day, week or other time interval.” (Exhibit E, page 18, lines 14-19)</p>
<p>wherein the non-subscription player is limited to one entry per tournament;</p>	<p>“The wagering game of chance player entering by AMOE may also be limited to a small number of games within a given period of time, for example one game in one year or two games in one month.” (Exhibit E, page 18, lines 10-12)</p> <p>[0057] ... For example, the AMOE entry may be limited to entry in one game in a period of one year, two games in one month, etc. ...” (Exhibit D)</p>
<p>distributing at least the same number of tokens to each non-subscription player participating in the tournament as each subscription player participating in the tournament, for betting in the tournament, and</p>	<p>“In another embodiment of the invention, at least one of the plurality of players is allowed to enter a game through an alternative method of entry (AMOE).” (Exhibit E, page 10, lines 13-14)</p> <p>“[0026] ... In another embodiment of the invention, the method further comprises an act of permitting at least one of the plurality of players to pay to play the game with at least one of money or loyalty points. ...” (Exhibit D)</p>
<p>disbursing the prize pool to the winning player and any eligible runner-up players in the form of prizes that have immediate value,</p>	<p><u>Summary of the Invention</u></p> <p>“[0018] ... The game of chance comprises a plurality of players, and a predetermined set of</p>

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subsequent to completion of the tournament.	<p>rules by which the plurality of players play the game of chance, wherein winners are automatically determined from the plurality of players. ..." (Exhibit D)</p> <p>"The game of chance comprises a plurality of players, and a predetermined set of rules by which the plurality of players play the game of chance, wherein winners are automatically determined from the plurality of players." (Exhibit E, page 4, lines 26-28)</p> <p>"[0023] ... In another embodiment of the invention, the computer system automatically notifies at least one of the plurality of players of their winnings. ..." (Exhibit D)</p> <p>"In another embodiment of the invention, the computer system automatically notifies at least one of the plurality of players of their winnings." (Exhibit E, page 6, lines 20-22)</p> <p><u>Claims</u></p> <p>"50. A method for conducting a game of chance adapted from at least one game of skill and chance, the method comprising acts of: providing entry of a plurality of players in the game of chance; providing a predetermined set of rules by which the plurality of players play the game of chance; and automatically determining at least one winner from the plurality of players." (Exhibit D) (Exhibit E, page 38, lines 7-12)</p> <p>"53. The method according to claim 50, further comprising an act of automatically determining a payout to the at least one winner according to a predetermined payout table." (Exhibit D)</p>
6. The method of claim 5 wherein the game tournament is managed by a game	Figures 5, 6 and 7 (Exhibit D and Exhibit E)

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administrator operating a game server computer coupled to one or more client computers operated by the participating players.	
7. The method of claim 6 wherein the computer network comprises the Internet.	Figures 5, 6 and 7 (Exhibit D and Exhibit E)
8. The method of claim 5 wherein the game is a card game.	<p>“[0019] ... In another embodiment of the invention, the game having elements of skill and chance is poker.” (Exhibit D)</p> <p>“In another embodiment of the invention, the game having elements of skill and chance is poker.” (Exhibit E, page 5, lines 11-12)</p>
9. The method of claim 8 wherein the card game comprises poker.	<p>“[0019] ... In another embodiment of the invention, the game having elements of skill and chance is poker.” (Exhibit D)</p> <p>“In another embodiment of the invention, the game having elements of skill and chance is poker.” (Exhibit E, page 5, lines 11-12)</p>